



FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (MODIFIED)		ATTORNEY'S DOCKET NUMBER <b>X-15906</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) <b>10/527527</b>
INTERNATIONAL APPLICATION NO.  <b>PCT/US2003/026304</b>	INTERNATIONAL FILING DATE  <b>22 September 2003 (22.09.03)</b>	PRIORITY DATE CLAIMED  <b>25 September 2002 (25.09.02)</b>
TITLE OF INVENTION: DERIVATIVE OF DIHYDRO-DIBENZO (A) ANTHRACENES AND THEIR USE AS SELECTIVE ESTROGEN RECEPTOR MODULATORS		
APPLICANT(S) FOR DO/EO/US: Owen Brendan WALLACE		
Applicant herewith submits to the U.S. Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).</li> <li>4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input checked="" type="checkbox"/> A declaration of the inventors 35 U.S.C. 371(c)(4) was provided in the PCT Request Form.</li> <li>11. <input checked="" type="checkbox"/> A copy of the International Preliminary Examination Report (IPER), including any annexes, and, if not in English, an English language translation of the annexes to the IPER under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
<b>Items 12. to 18. below concern document(s) or information included:</b>		
<ol style="list-style-type: none"> <li>12. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>13. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>14. <input type="checkbox"/> Assignment has been recorded at reel _____, frame _____.</li> <li>15. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>16. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>17. <input checked="" type="checkbox"/> A Sequence Listing, 1.821 Statement, and diskette.</li> <li>18. <input checked="" type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>18. <input checked="" type="checkbox"/> Other items or information:            Please amend the first page of the specification by inserting the following cross-reference after the title:            "This is the national phase application, under 35 USC 371, for PCT/US2003/026304, filed 22 September 2003 which, claims the benefit, under 35 USC 119(e), of US provisional application 60/413,609, filed 25 September 2002."         </li> </ol>		

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) <b>10/527527</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US2003/026304</b>		ATTORNEY'S DOCKET NUMBER <b>X-15906</b>	
19. <input checked="" type="checkbox"/> The following fees are submitted: Basic National Stage Fee = \$ 300.00  National Stage Search Fee = \$ 500.00  National Stage Examination Fee = \$ 200.00 <b>TOTAL NATIONAL STAGE FEES \$1,000.00 (a)</b>  Application Length Fee  Total Length (excluding sequence listings)  <u>52</u> - 100 = _____ excess pages (b)  No extra charge for first 100 pages. Must pay \$250 for each adtl 50 pages (or fraction thereof).  <b>ENTER APPROPRIATE AMOUNT (a + b) = \$ 1,000.00</b>				<b>CALCULATIONS PTO USE ONLY</b>	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	15 -20=	0	X \$50.00	\$	
Independent claims	2 -3=	0	X \$200.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	
<b>SUBTOTAL =</b>				\$ 1,000.00	
Processing fee of \$130.00 for furnishing English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$ 1,000.00	
				Amount to be refunded	\$
				charged	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 05-0840 in the amount of <u>\$1,000.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 05-0840. A duplicate copy of this sheet is enclosed.					
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>					
SEND ALL CORRESPONDENCE TO: ELI LILLY AND COMPANY PATENT DIVISION P.O. BOX 6288 INDIANAPOLIS, INDIANA 46206-6288  <u>3/11/05</u> Date 43,972 REGISTRATION NUMBER		 SIGNATURE  Gilbert T. Vov NAME  (317) 276-2966 TELEPHONE NUMBER		 <b>25885</b> PATENT TRADEMARK OFFICE	

10/527527

DT15 PCT/PTO 11 MAR 2005

IN THE UNITED STATES RECEIVING OFFICE (USRO)

Applicant: Owen Brendan WALLACE

International Application No.: PCT/US2003/026304

Filed: 22 September 2003 (22.09.03)

Invention: DERIVATIVE OF DIHYDRO-DIBENZO (A) ANTHRACENES AND THEIR USE AS  
SELECTIVE ESTROGEN RECEPTOR MODULATORS

Lilly Reference: X-15906

Earliest Priority Date: 25 September 2002 (25.09.02)

Certificate Under 37 C.F.R. § 1.10

Attention: DO/EO

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir/Madam:

"Express Mail" mailing label number: EL832893814US

Date of Deposit: 11 - MARCH 2005

I hereby certify that the following attached paper or fee Transmittal Letter to the United States Designated/Elected Office (US) concerning a filing under 35 U.S.C. 371 of the International Application identified above is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Queen Thomas

(Typed or printed name of person mailing paper)

Queen Thomas

(Signature of person mailing paper or fee)

**CERTIFICATE UNDER 37 CFR 3.73(b)**Applicant: Owen Brendan WallaceApplication No.: US Nat'l Phase of PCT/US2003/026304 Filed: 22 September 2003Entitled: DERIVATIVE OF DIHYDRO-DIBENZO (A) ANTHRACENES AND THEIR USE AS SELECTIVE ESTROGEN RECEPTOR MODULATORSELI LILLY AND COMPANY, a CORPORATION

(Name of Assignee)

(Type of Assignee, e.g. corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application identified above.☐ The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame.☒ The assignment is being submitted separately for recordation; a copy of this assignment is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

March 11, 2005  
DateGilbert T. Voy  
Gilbert T. Voy  
Patent Attorney